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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/908,731	07/20/2001	Yasushi Kaneko	010912	8701

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EXAMINER

TON, MINH TOAN T

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/908,731

Examiner

Toan Ton

Applicant(s)

KANEKO, YASUSHI

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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*Remarks [product-by-process]*

1. The following claimed phrases have not been given patentable weight because they have been held that even though product-by-process claims are limited by and defined by process, determination of patentability is based on the product itself. See *In re Thorpe*, 777 F.2d 695, 697, 227 USPQ 964, 966 (Federal Cir. 1985) : "by anodic oxidation"

*Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in–

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-3, 7-10, 13, 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ha et al (US 6493051).

Ha discloses a transfective LCD device comprising : a transfective layer having a reflecting portions 117 and transparent portions 118 (see Figure 8).

Ha discloses the transfective LCD device comprising other elements such as polarizing plates, retardation plates, electrodes, substrates (see the "summary of the invention" section).

Ha discloses the transmitting (transparent) portions being made of materials such as a transparent conductive metallic.

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4. Claims 1, 5, 10, 13 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Urabe et al (US 6476889).

See Figure 1.

5. Claims 1-2, 5, 10, 13, 14, 16, 18-20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Urabe et al (US 6476889).

See Figure 3.

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 5-6, 11-12, 15, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ha et al as applied to claims 1-3, 7-10, 13, 16 above.

Per claim 4, STN (super-twisted nematic) liquid crystal material is common and known in the art such as increasing resolution.

Per claim 5, forming the reflector with projections for achieving scattering effect is common and known in the art. Per claim 6, the use of a scattering layer is common and known for achieving advantages such as light uniformity.

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Per claims 11-12, Ha discloses the transmitting (transparent) portions being made of materials such as a transparent conductive metallic, wherein the transparent conductive metallic material commonly comprises materials such as ITO or its (ITO) functional-equivalent such as  $\text{TiO}_2$ . Materials such as  $\text{AlO}_2$  would consider as functional-equivalent to materials such as ITO,  $\text{TiO}_2$ .

Per claims 15 and 17, the optimum range would have been at least obvious to one of ordinary skill in the art so as achieving desirable image effect.

Per claims 18-20, the use of a protecting layer on the electrode layer/the transfective layer is common and known in the art. Such protecting layer comprises layers such an alignment layer.

8. Claims 2-3, 6-9, 11-12, 14-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Urabe as applied to claims 1, 5, 10, 13 (per Figure 1) above.

The use of polarizers (not shown in Figure 1) is common and known in the art for achieving advantages such as increasing in contrast.

The use of compensation plates is common and known in the art for achieving advantages such as wide viewing angle.

The use of a scattering layer is common and known for achieving advantages such as light uniformity.

Urabe discloses the transmitting (transparent) portions being made of ITO. Materials such as  $\text{AlO}_2$  would consider as functional-equivalent to materials such as ITO.

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The optimum range would have been at least obvious to one of ordinary skill in the art so as achieving desirable image effect.

The use of a protecting layer (not shown) on the electrode layer/the transfective layer is common and known in the art. Such protecting layer comprises layers such an alignment layer.

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9. Claims 3, 6-9, 11-12, 15, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urabe as applied to claims 1-2, 5, 10, 13, 14, 16, 18-20 (per Figure 3) above.

The use of a scattering layer is common and known for achieving advantages such as light uniformity.

Urabe discloses the transmitting (transparent) portions being made of ITO. Materials such as  $\text{AlO}_2$  would consider as functional-equivalent to materials such as ITO.

The optimum range would have been at least obvious to one of ordinary skill in the art so as achieving desirable image effect.

### *Conclusion*

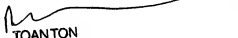
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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*Contact Information*

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan Ton whose telephone number is (703) 305-3489. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

January 24, 2003

  
TOANTON  
PRIMARY EXAMINER